

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

DCG&T f/b/o JACK BATTAGLIA/IRA;
JACK BATTAGLIA AND DCG&T f/b/o
LORI BATTAGLIA/IRA

Plaintiffs,

vs.

GLADE M. KNIGHT, MICHAEL S.
WATERS, ROBERT M. WILY,
BRUCE H. MATSON, JAMES C.
BARDEN, JUSTIN KNIGHT, DAVID
McKENNEY, KRISTIAN
GATHRIGHT, BRYAN PEERY, AND
DOES 1-10,

Defendants,

and

APPLE REIT NINE, INC., now known
as APPLE HOSPITALITY REIT,
INC.,

Nominal Defendant.

CIVIL ACTION NO: 3:14-CV-00067

**DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' AMENDED COMPLAINT**

Defendants Glade M. Knight, Michael S. Waters, Robert M. Wily, Bruce W. Matson, James C. Barden, Justin Knight, David McKenney, Kristian Gathright, Bryan Peery, and Apple REIT Nine, Inc., now known as Apple Hospitality REIT, Inc. (collectively, "Defendants"), by and through counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves this Court to dismiss Plaintiffs' Amended Complaint for failure to state a claim upon which relief may be granted. In support of its motion, Defendants refer this Court to their supporting Memorandum of Law, filed simultaneously herewith.

WHEREFORE, for the reasons stated in the accompanying Memorandum in Support of this Motion, Defendants respectfully requests that the Court: (1) grant its Motion, (2) dismiss Plaintiffs' Amended Complaint with prejudice, and (3) award any other relief that this Court deems just and proper.

Dated: May 5, 2014

Respectfully submitted,

_____/s/_____
Charles Wm. McIntyre
Jennifer L. Farer
(to be admitted pro hac vice)
McGUIREWOODS LLP
Washington Square
2001 K Street, N.W., Suite 400
Washington, D.C. 20006-1040
Tel.: (202) 857-1742
Fax: (202) 828-2967
cmcintyre@mcguirewoods.com
jfarer@mcguirewoods.com

Elizabeth F. Edwards
Jeffrey D. McMahan
McGUIREWOODS LLP
901 East Cary Street
Richmond, VA 23219-4030
Tel.: (804) 775-4390
Fax: (804) 698-2045
eedwards@mcguirewoods.com
jmcmahan@mcguirewoods.com

*Attorneys for Apple REIT Nine, Inc.
and Individual Defendants*

CERTIFICATE OF SERVICE

I certify that on May 5, 2014, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system, which will send notification of such filing (NEF) to all CM/ECF registered attorneys indicated on the NEF.

_____/s/_____
Charles Wm. McIntyre
Jennifer L. Farer
(to be admitted pro hac vice)
McGUIREWOODS LLP
Washington Square
2001 K Street, N.W., Suite 400
Washington, D.C. 20006-1040
Tel.: (202) 857-1742
Fax: (202) 828-2967
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jfarer@mcguirewoods.com

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Fax: (804) 698-2045
eedwards@mcguirewoods.com
jmcmahan@mcguirewoods.com

*Attorneys for Apple REIT Nine, Inc.
and Individual Defendants*